

**CITY OF CLEWISTON
Regular Commission Meeting
December 19, 2011**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, December 19, 2011. The meeting was called to order at 6:00 p.m. by Mayor Richard Miller. Pastor John Hicks gave the invocation and the audience recited the Pledge of Allegiance.

Attendance:

Commissioners Present: Mayor Richard Miller, Commissioner Mali Gardner, Commissioner Joseph Miller, Commissioner James Pittman and Commissioner Julio Rodriguez.

Personnel Present: City Manager Steve McKown, Finance Director Ted Byrd, Police Chief Don Gutshall, Utilities Director Kevin McCarthy, City Clerk Marilyn McCorvey, City Engineer Tommy Perry, Recreation Director Lance Ramer, Community Development Director Travis Reese, and City Attorney Charles Schoech.

Visitors Present: Ninette Aker, Jeff Barwick, Terry Garone, Denise Hatton, John Hicks, Reva Marshall, Amy McKown, Dr. Mobed, Curtis Pullen, Snook Robinson, and Jillian Sparks.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – Mayor Miller asked that the City Manager Evaluation be added as 1.1 to the agenda.

Public Comments – Pastor John Hicks, President of the Ministerial Association, came forward to inform the Commission of several community events that were going on. He stated they have received many toys from the Boy Scouts and the Salvation Army has toys. He said if anyone knew anyone specific that needed assistance, please call his office.

Harold “Snook” Robinson came forward to speak on the code violations on his property. Mr. Robinson stated the meter is running for fines on his property, and he wanted the Commission to know that he is trying to get the repairs done. He stated he wanted to be certain that he had somebody on his side when he finishes because the fine is out of his reach. He stated he is trying to find the money to make the repairs. Mr. Robinson was referred to Building Official Reese.

RECOGNITION OF 2011 EMPLOYEES AND DIRECTOR OF THE YEAR - Mayor Miller introduced the 2011 Employees of the Year, Laurie Lindsey, General Services, Cheryl Mitchell, Public Works, Julius Taylor, Police Department, Steve Hayes, Utilities and City-Wide and Director of the Year, Marilyn McCorvey. Mayor Miller thanked the employees for a job well done.

1. Consent Agenda

- A. *City Commission Workshop Minutes – November 7, 2011*
- B. *City Commission Recreation Workshop Minutes – November 17, 2011*
- C. *City Commission Workshop Minutes – November 17, 2011*
- D. *City Commission Workshop Minutes – November 21, 2011*
- E. *City Commission Regular Meeting Minutes – November 21, 2011*
- F. *Approval of Workshop and Meeting Schedule for 2012*
- G. *Utilities theft Prevention Program Incident Report*
- H. *Approval of purchase of eleven (11) patrol rifles from Police Fine & Forfeiture A/C in the amount of \$11,000 and authorize budget amendment for same*
- I. *H.C. Fair and H.C. Fair Parade Event Applications*

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve the Consent Agenda. Vote 5 yeas, 0 nays.

- 1.1 City Manager Evaluation** – Mayor Miller opened the floor for comments. Commissioner Gardner stated she asked for this item to be added to the agenda as she believes a public evaluation of the City Manager falls under the rules of the City Charter and the Florida Statutes. She stated she had discussed the evaluation with City Manager McKown and noted that a lot of good things happened this past year, but she also has some concerns. Commissioner Gardner stated the evaluation is a standard format which covers a lot of areas and a numerical value is assessed to the evaluation. She stated that she rated Mr. McKown

above standard as there were good things accomplished such as a report card on the pension plan. She stated when Mr. McKown is asked to complete a task, it is done. Commissioner Gardner stated that one of his significant accomplishments was updating the City's Leave Policy. Commissioner Gardner stated she is not happy about exceeding the budget and the transfer from one account to another to cover a shortfall. She stated she feels that each department head should be responsible for staying within their budget and she is concerned when transfers are made without Commission approval. City Attorney Schoech stated that our Charter gives the City Manager the authority to make budget transfers. Mr. Schoech stated that the Commission may require the City Manager to have more conversation with them and keep them abreast of budget transfers, or the Commission can change the Charter. Commissioner Gardner stated she is concerned that the Commission spends a lot of time to approve a budget, and it can be changed with the stroke of a pen by the City Manager. Commissioner Pittman stated he has no problem asking the City Manager to show the Commission any changes made to the departmental budgets. Commissioner Gardner asked that the Charter be formally reviewed as she does not think our standard should be different from most other cities. Commissioner Gardner stated in 2009 and 2010, the Commission went through the budget and specifically took out the uniform allowances for office personnel and directors. She asked City Manager McKown if clothing allowances were given this year. Mr. McKown answered in the affirmative. Commissioner Gardner felt the City Manager should not have spent money on the clothing allowances without first bringing it back to the Commission. She then stated that she heard in the community that Mr. McKown had been under investigation and she found it appalling that she was not informed of it. City Attorney Schoech stated there had been an investigation and no charges were filed. Commissioner Gardner asked since the use of a City vehicle was involved, were there City policy violations? City Attorney Schoech stated he determined the incident was a personal matter and the City was not involved and did not feel that any City policies had been violated. Commissioner Gardner stated she would like to see a copy of the report as she feels there may have been violations of City Policy and maybe the Code of Ethics. Commissioner Gardner asked if the City has a policy on the personal use of City credit cards. City Manager McKown stated he will look into it and if we don't have one in place, he will draft a policy. Mayor Miller encouraged all the Commissioners to meet with Mr. McKown regularly and any time they feel something needs to be discussed, bring it up to him. Commissioner Rodriguez stated that he felt the budget issues were poor management practices. Commissioner Rodriguez stated that Mr. McKown has given the Commission a list of accomplishments, and he appreciates them, but felt they were part of his job. However, he stated that he rated Mr. McKown standard because of communication issues he had with his management style. City Attorney Schoech stated he sits on several governmental boards, and the budget is a guide, but line items go over budget regularly. Commissioner Joseph Miller stated Mr. McKown came here and fit right in. He stated Mr. McKown has his flaws, but he is willing to change anything that is brought to his attention. Commissioner Pittman stated he graded Mr. McKown very high as a leader. He feels Mr. McKown does a great job with the budget. Commissioner Pittman stated that since Mr. McKown has been here, he has worked with directors that he would have terminated, but Mr. McKown has molded them to be better employees. Mayor Miller stated he also ranked Mr. McKown very high and thinks he is very good for the City. Mayor Miller stated he feels confident with Mr. McKown running the City and that he does a very good job.

Commissioner Rodriguez made a motion, seconded by Commissioner Gardner, that no raise or bonus be given to the City Manager at this time. Vote 2 yeas, 3 nays. Motion died.

Commissioner Joseph Miller made a motion, seconded by Commissioner Pittman, to approve a bonus in the amount of \$3500.00 for the City Manager. Vote 3 yeas, 2 nays. (Commissioners Gardner and Rodriguez voted nay)

PUBLIC HEARING

2. **Ordinance No. 2011-04 – Final Reading-** This ordinance is required for the City to proceed with the declaration of a specified portion of Basilan Crescent as surplus property and abandonment of the plat to convey ownership of the property to the adjoining property owners. City Manager McKown read Ordinance No. 2011-04 by title. City Attorney Schoech stated he had amended the Ordinance for final reading to include "Reserving a five foot utility easement north of and adjacent to Lot 7 to give the City an appropriate easement. Mayor Miller opened the public hearing and asked City Manager McKown to summarize Ordinance No. 2011-04,

read it by title and give the advertising information. City Manager McKown summarized Ordinance No. 2011-04 and read it by title. The public hearing was advertised in the Clewiston News on December 8, 2011. There were no comments from the Commission or audience. Mayor Miller closed the public hearing.

Commissioner Rodriguez made a motion, seconded by Commissioner Gardner, to adopt Ordinance No. 2011-04 on final reading. Vote 5 yeas, 0 nays.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

3. **Resolution No. 2011-14** – This resolution was requested by Valerie James, Hendry County tobacco Prevention Coordinator, regarding flavored tobacco products. The resolution urges all local retailers to consider cessation of the sale and marketing of flavored tobacco products. Joshua Deese and Melissa Franco came forward and gave a presentation on flavored tobacco products.

Commissioner Pittman a motion, seconded by Commissioner Gardner, to approve Resolution No. 2011-14. Vote 5 yeas, 0 nays.

4. **Resolution No. 2011-15** – This Resolution authorizes the issuance of a non-revolving line of credit note in the principal amount not to exceed \$400,000 to provide financing for construction of a building at the City's Commerce Park to be used as a juice processing and distribution facility. Commissioner Gardner stated she would abstain voting on this item as she is an employee of First Bank of Clewiston. City Attorney Schoech stated the rate of interest will be 4% for the first three years and will be adjusted at that time. He stated it will be an adjustable rate of interest, but the City can pay it off early with no penalty.

Commissioner Joseph Miller made a motion, seconded by Commissioner Pittman, to approve Resolution 2011-15 authorizing the issuance of a non-revolving LOC in an amount not to exceed \$400,000. Vote 4 yeas, 0 nays. (Commissioner Gardner abstained.)

5. **Lease Renewal for Hope Hospice and Community Services, Inc.** – Hope Hospice and Community Services, Inc. has requested the renewal of their lease of a portion of the Senior Citizens Building for a two year period with a monthly rental fee of \$400.00.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the lease renewal to Hope Hospice and Community Services in the amount of \$400 per month. Vote 5 yeas, 0 nays.

6. **Proclamation – One Book, One Community** – This proclamation is done each year for the kick off of the One Book, One Community Campaign. The book chosen for this year is "Sun, Stone, and Shadows" by Jorge Hernandez.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the One Book, One Community Proclamation for the book "Sun, Stone and Shadows". Vote 5 yeas, 0 nays.

7. **Acceptance of Utility Easement from Pittman Enterprises and Partial Release of Easement** – City Attorney Schoech prepared the documents for the City regarding the acceptance of the Utility easement from Pittman Enterprises and a partial release of easement for the property on Basilan Crescent. City Manager McKown stated this agenda item is not related to Agenda Item 2. He stated these documents will correct two easement problems the City currently has.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez to approve the acceptance of the Utility Easement from Pittman Enterprises and the partial release of easement and authorize Mayor Miller to sign on behalf of the City. Vote 5 yeas, 0 nays.

8. **Acceptance of the Revised Concept Plan of the Clewiston Boat Basin** – Approval of the revised plan is needed to enable staff to move forward to provide cost estimates and lobby to secure funding sources. Commissioner Joseph Miller stated this is a great project but he feels we should have a public meeting at the auditorium. The Commission agreed to have a public meeting at the John Boy Auditorium at 6:00 on January 19, 2012. There was conversation by the Commission on the movement of the S-169 and the proposed bridge. City Engineer Tommy Perry estimated the cost of the bridge to be around \$250,000. The Commission agreed that the City could not bear the cost of building the bridge and those funds would have to come from grants or other sources.

The consensus of the Commission was for staff to move forward to provide cost estimates on the Clewiston Boat Basin Concept Plan.

9. **Discussion on Landscape alternatives for the John Boy Auditorium.** The Commission has been provided four possible plans for landscaping at the John Boy Auditorium. Staff needs direction as to which plan the Commission likes.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to move forward with the five donated Royal Palms and the purchase of five additional Palms and use as much xeriscaping as possible in the Auditorium area. Vote 5 yeas, 0 nays.

10. **Departmental Monthly Activity Reports** – Presented for information only.

FINANCIAL REPORT FROM THE FINANCE DIRECTOR – Finance Director Byrd

REPORTS FROM CITY MANAGER – None

REPORTS FROM THE CITY ATTORNEY – None

REPORTS FROM THE CITY COMMISSION – Commissioner Gardner asked City Attorney Schoech to look at a Charter change and also to send her a copy of the City Manager investigation. She also asked staff for an electric rate comparison for commercial and residential users and a change in City credit card policy. Commissioner Gardner also praised the work of the ACFC for the Winter Wonderland event. Commissioner Pittman wished everyone a blessed holiday and he looks forward to the new year. Mayor Miller also thanked the ACFC for their volunteer hours and wished everyone a happy holiday.

Adjournment:

The meeting was adjourned at 7:55 p.m.

Richard Miller, Mayor

Marilyn McCorvey, City Clerk